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## Minutes of MAYOR AND COUNCIL Meeting

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Approved by Mayor and Council  
on July 10, 2007

Date of Meeting: April 24, 2007

The Mayor and Council of the City of Tucson met in regular session in the Mayor and Council Chambers in City Hall, 255 West Alameda Street, Tucson, Arizona, at 5:43 p.m. on Tuesday, April 24, 2007, all members having been notified of the time and place thereof.

### 1. ROLL CALL

The meeting was called to order by Mayor Walkup and upon roll call, those present and absent were:

Present:

|                  |                                   |
|------------------|-----------------------------------|
| José J. Ibarra   | Council Member Ward 1             |
| Carol W. West    | Council Member Ward 2             |
| Karin Uhlich     | Council Member Ward 3             |
| Shirley C. Scott | Vice Mayor, Council Member Ward 4 |
| Steve Leal       | Council Member Ward 5             |
| Nina J. Trasoff  | Council Member Ward 6             |
| Robert E. Walkup | Mayor                             |

Absent/Excused:

None

Staff Members Present:

|                     |                     |
|---------------------|---------------------|
| Mike Hein           | City Manager        |
| Michael Rankin      | City Attorney       |
| Kathleen S. Detrick | City Clerk          |
| Mike Letcher        | Deputy City Manager |

## **2. INVOCATION AND PLEDGE OF ALLEGIANCE**

The invocation was given by Debra Counsellor, City Clerk's Office, after which the Pledge of Allegiance was led by Vice Mayor Scott, and the National Anthem was sung by the Palo Verde High School Jubileers.

Kathleen S. Detrick, City Clerk, announced Susie Rogers would be assisting with anyone in the audience needing Spanish language translation for items listed on the agenda.

Presentations:

- a. Vice Mayor Scott presented "Ward IV Outstanding Constituent Service Awards."
- b. Presentation from Mayor Walkup and Vice Mayor Scott to students from the University of Arizona Office of International Student Programs and Services as Honorary Citizens of Tucson.
- c. Mayor Walkup proclaimed April 15, 2007 to April 22, 2007 to be "Days of Remembrance."
- d. Mayor Walkup proclaimed April 26, 2007 to be "Take Our Daughters and Sons to Work Day."
- e. Mayor Walkup proclaimed the month of April to be "Month of the Young Child."
- f. Mayor Walkup proclaimed April 29, 2007 to May 5, 2007 to be "Municipal Clerks Week."

(Note: Council Member Uhlich departed the Chambers at 6:17 p.m. and returned at 6:20 p.m.)

## **3. MAYOR AND COUNCIL REPORT: SUMMARY OF CURRENT EVENTS**

Mayor Walkup announced City Manager's communication number 222, dated April 24, 2007, would be received into and made a part of the record. He also announced this was the time scheduled to allow members of the Council to report on current events and asked if there were any reports.

- a. Council Member West announced she would be holding a Town Hall at Eastside City Hall on May 3, 2007 regarding water management in a time of drought. She also distributed a notebook for people to write their messages of condolences to send to Virginia Tech University.

- b. Vice Mayor Scott announced she would be holding a town hall on April 25, 2007 at the Clements Center Multipurpose Room, on local efforts to prepare for the West Nile Virus season.
- c. Council Member Trasoff said the second annual Tucson Freedom Seder was held the previous week at the Jewish Community Center. More than three hundred people of different faiths joined together to discuss and celebrate what they had in common.

#### **4. CITY MANAGER'S REPORT: SUMMARY OF CURRENT EVENTS**

Mayor Walkup announced City Manager's communication number 223, dated April 24, 2007, would be received into and made a part of the record. He also announced this was the time scheduled to allow the City Manager to report on current events, and asked if there were any reports.

There was no report.

#### **5. LIQUOR LICENSE APPLICATIONS**

Mayor Walkup announced City Manager's communication number 225, dated April 24, 2007, would be received into and made a part of the record. He asked the City Clerk to read the Liquor License Agenda.

- b. Liquor License Application(s)

There were no applications for licenses scheduled for this meeting.

- c. Special Event(s)

- 1. Coyote Taskforce, Inc./Cafe 54, Ward 6  
54 E. Pennington Street  
Applicant: Mindy Bernstein  
City T34-07  
Date of Event: May 13, 2007  
(Mother's Day Brunch)

Staff has indicated the applicant is in compliance with city requirements.

- 2. Borderlands Theater, Ward 6  
40 W. Broadway  
Applicant: Charles Barclay Goldsmith  
City T36-07  
Date of Event: May 11, 2007  
(Annual Fundraiser)

Staff has indicated the applicant is in compliance with city requirements.

d. Agent Change

There were no agent changes scheduled for this meeting.

It was moved by Vice Mayor Scott, duly seconded, and carried by a voice vote of 7 to 0, to forward liquor license applications 5c1 and 5c2 to the Arizona State Liquor Board with a recommendation for approval.

**6. CALL TO THE AUDIENCE**

Mayor Walkup announced this was the time any member of the public was allowed to address the Mayor and Council on any issue, except for items scheduled for a public hearing. Speakers would be limited to three-minute presentations and the Call to the Audience was scheduled to last for thirty minutes.

- a. Michael Toney expressed concern about the treatment of Native Americans, their culture, and the environment. He also spoke about the potential of optical technology.
- b. Al Garcia spoke about illegal immigration and diseases that may be brought into the country.
- c. Linda Hatfield, representing Communication Workers of America, Local 7000, spoke about unions being denied attendance at the benefits fair for City employees.

Council Member Leal asked Mike Hein, City Manager, to look into the matter.

- d. Russ Dove spoke about illegal immigration and upcoming demonstrations regarding the issue.

**7. CONSENT AGENDA ITEMS A THROUGH K**

Mayor Walkup announced the reports and recommendations from the City Manager on the Consent Agenda Items would be received into and made a part of the record. He asked the City Clerk to read the Consent Agenda.

- A. ASSURANCE AGREEMENT: (S05-138) ARTISAN RANCH SUBDIVISION (RCP), LOTS 1 TO 18, COMMON AREAS "A", "B", AND "C"
  - 1. Report from City Manager APRIL24-07-220 WARD 3
  - 2. Resolution No. 20642 relating to planning: authorizing the Mayor to execute an Assurance Agreement securing the completion of improvements required in connection with the approval in Case No. S05-138 of a final plat for the Artisan Ranch Subdivision, Lots 1 to 18 and Common Areas "A" – "C"; and declaring an emergency.

Item A was continued for one week.

B. FINAL PLAT: (S05-138) ARTISAN RANCH SUBDIVISION (RCP), LOTS 1 TO 18, COMMON AREAS “A”, “B”, AND “C”

1. Report from City Manager APRIL24-07-221 WARD 3
2. Staff recommends that, after approval of the assurance agreement, the Mayor and Council approve the final plat as presented. The applicant is advised that building/occupancy permits are subject to the availability of water/sewer capacity at the time of actual application.

Item B was continued for one week.

C. FINAL PLAT: (S05-079) 44 EAST BROADWAY CONDOMINIUMS, A CONDOMINIUM CONVERSION PROJECT, UNITS 101, 201 TO 210, 301 TO 310, 401 TO 410, LIMITED COMMON ELEMENT “C-101” AND COMMON ELEMENTS “A” AND “B”

1. Report from City Manager APRIL24-07-219 WARD 1
2. Staff recommends that the Mayor and Council approve the final plat as presented. The applicant is advised that building/occupancy permits are subject to the availability of water/sewer capacity at the time of actual application.

D. REAL PROPERTY: LEASE AGREEMENT WITH GREAT WESTERN REALTY AND SUB-LEASE WITH ARTFARE FOR THE PROPERTY LOCATED AT 51 AND 55 NORTH SIXTH AVENUE

1. Report from City Manager APRIL24-07-230 WARD 6
2. Ordinance No. 10391 relating to real property; authorizing and approving the lease by the City of Tucson of 51 North and 55 North 6<sup>th</sup> Avenue, Tucson, Arizona from Great Western Realty; authorizing and approving the City of Tucson to sublease 51 North and 55 North 6<sup>th</sup> Avenue to ArtFare; and declaring an emergency.

Kathleen S. Detrick, City Clerk, announced Item D would be continued.

E. ASSURANCE AGREEMENT: (S05-025) CIVANO BLOCK 2 SUBDIVISION, LOTS 1 TO 28, BLOCK A AND COMMON AREAS “A” AND “B”

1. Report from City Manager APRIL24-07-226 WARD 4

2. Resolution No. 20644 relating to planning: authorizing the Mayor to execute an Assurance Agreement securing the completion of improvements required in connection with the approval in Case No. S05-025 of a final plat for the Civano Block 2 Subdivision, Lots 1 to 28, Block A and Common areas “A” and “B”; and declaring an emergency.
- F. FINAL PLAT: (S05-025) CIVANO BLOCK 2 SUBDIVISION, LOTS 1 TO 28, BLOCK A AND COMMON AREAS “A” AND “B”
1. Report from City Manager APRIL24-07-227 WARD 4
  2. Staff recommends that, after approval of the assurance agreement, the Mayor and Council approve the final plat as presented. The applicant is advised that building/occupancy permits are subject to the availability of water/sewer capacity at the time of actual application.
- G. INTERGOVERNMENTAL AGREEMENT: WITH PIMA COUNTY FOR THE NORTHSIDE RECREATION CENTER
1. Report from City Manager APRIL24-07-229 WARD 3
  2. Resolution No. 20646 relating to Intergovernmental Agreements; approving and authorizing execution of an Intergovernmental Agreement between the City of Tucson and Pima County for the Northside Recreation Center; and declaring an emergency.
- H. INTERGOVERNMENTAL AGREEMENT: WITH PIMA COUNTY FOR ARROYO CHICO WASH IMPROVEMENTS
1. Report from City Manager APRIL24-07-233 WARD 6
  2. Resolution No. 20647 relating to Intergovernmental Agreements; approving and authorizing execution of an Intergovernmental Agreement between the City of Tucson and Pima County for land acquisition, design, construction, ownership, operation, and maintenance of Arroyo Chico Wash improvements; and declaring an emergency.
- I. INTERGOVERNMENTAL AGREEMENT: WITH PIMA COUNTY FOR JOAQUIN MURRIETA PARK IMPROVEMENTS
1. Report from City Manager APRIL24-07-234 WARD 1

2. Resolution No. 20648 relating to Intergovernmental Agreements; approving and authorizing execution of an Intergovernmental Agreement between the City of Tucson and Pima County for design, construction, ownership, operation, and maintenance of Joaquin Murrieta Park improvements; and declaring an emergency.

J. FINANCE: REQUEST FOR FUNDS FOR THE UDALL FOUNDATION  
(CONTINUED FROM THE MEETING OF APRIL 17, 2007)

1. Report from City Manager APRIL24-07-237 CITY-WIDE
2. Resolution No. 20643 relating to Finance; approving and authorizing the expenditure of Ten Thousand Dollars (\$10,000) to support the Udall Foundation's 10<sup>th</sup> Anniversary Biodiesel Bus Tour; and declaring an emergency.

Kathleen S. Detrick, City Clerk, announced the funding sources for this item would be as discussed during Study Session.

City Manager - \$7,000

Mayor - \$1,000

Ward 2 - \$500 (Community Support Fund)

Ward 3 - \$500 (Community Support Fund)

Ward 4 - \$350 (Community Support Fund)

Ward 5 - \$150 (Office Budget)

Ward 6 - \$500 (Youth Employment Empowerment Funds)

K. INTERGOVERNMENTAL AGREEMENT: WITH PIMA COUNTY FOR  
MANUEL HERRERA PARK IMPROVEMENTS

1. Report from City Manager APRIL24-07-218 WARD 1
2. Resolution No. 20649 relating to Intergovernmental Agreements; approving and authorizing execution of an Intergovernmental Agreement between the City of Tucson and Pima County for design, construction, ownership, operation, and maintenance of Manuel Herrera Park improvements; and declaring an emergency.

It was moved by Council Member Leal, duly seconded, that Consent Agenda Items A through K, with the exception of Items A and B which would be continued for one week, and Item D which would be continued, and the funding sources as identified during Study Session for Item J, be passed and adopted and the proper action taken.

Mayor Walkup asked if there was further discussion. Hearing none, he asked for a roll call vote.

Upon roll call, the results were:

Aye: Council Members Ibarra, West, Uhlich, Leal, and Trasoff;  
Vice Mayor Scott and Mayor Walkup

Nay: None

Consent Agenda Items A through K, with the exception of Items A and B which would be continued for one week, Item D which would be continued, and the funding sources as identified during Study Session for Item J, were declared passed and adopted by a roll call vote of 7 to 0.

11. **PUBLIC HEARING: TUCSON CODE – AMENDING (CHAPTER 23) THE LAND USE CODE; ADDING A NEIGHBORHOOD PRESERVATION ZONE OVERLAY AND ORDINANCE ADOPTION (CONTINUED FROM THE MEETING OF MARCH 20, 2007)** (Note: This item was taken out of order.)

Mayor Walkup announced they would now move on to Item 11, as the majority of those in attendance were there to participate in that item.

Kathleen S. Detrick, City Clerk, announced there might be some confusion in the audience regarding the distinction between Item 8 and Item 11. She knew there were some people in the audience who turned in speaker cards for Item 8. Item 8 was an amendment to the Neighborhood Preservation Ordinance, but was related to glass etching. Ms. Detrick said she thought a number of those who filled out cards requesting to speak on Item 8 may have intended to speak on Item 11, instead. She said she placed their cards with the ones for Item 11, and if they really intended for Item 8, they could wait until that item was considered.

Mayor Walkup announced City Manager's communication number 238, dated April 24, 2007, would be received into and made a part of the record. He said this was the time and place legally advertised for a public hearing on an amendment to the *Land Use Code*, adding a Neighborhood Preservation Zone Overlay.

Mayor Walkup announced the public hearing was scheduled to last no more than one hour and speakers would be limited to five-minute presentations. He called on the first speaker.

Lori Lustig, representing Southern Arizona Home Builders Association (SAHBA), said she brought a letter and asked that it be distributed to the Council and made a part of the public record, along with its attached article. She said SAHBA attended a number of stakeholder and Subcommittee meetings.



Ms. Lustig stated the immediate concern of SAHBA and its members were those projects that were already approved, either administratively by the Development Services Department, or by the Council through rezoning or final plat. She said those projects that were already approved could be interrupted by unnecessary or inadvertent inclusion in the Neighborhood Preservation Overlay Zone drawn by neighbors. She said, if there was a continuance or delay in the process, SAHBA would like the opportunity to work with staff to develop “grandfathering” language that could be presented to stakeholders and the subcommittee, and incorporated into the process.

Jim Clark said his grandparents moved into the Jefferson Park neighborhood around 1938. He said the home has remained in his family ever since. Many of the homes that belonged to his grandparents’ neighbors were sold. Some of these became rentals, one of which he currently owned. He said he took pride in and maintained the property. He said he was concerned about a further delay in the progress of the Neighborhood Preservation Zone (NPZ), because it was vital to the quality of life of the neighborhoods surrounding the University of Arizona.

Mr. Clark said the biggest problem was with the mini-dorm scenario, which seemed to lack a code of conduct for their residents. The area became an eyesore, and he felt a blighting on the neighborhood. Proposition 207 was misconceived as providing protection against eminent domain, but it froze the zoning codes, which gave no consideration for community or individual needs and had the potential to be more harmful to development. He said the NPZ should be allowed to move forward, and the quality of life in the neighborhood should be protected.

Ramon Gaanderse, Executive Director of the Metropolitan Pima Alliance (MPA), referred to a letter he had submitted for the record. He said the MPA urged the Council to take a cautious approach before adopting an ordinance similar to the NPZ. The MPA felt the NPZ had the potential to create unwarranted and counterproductive political tensions in the development process. He said the City had a comprehensive *Land Use Code*, which provided ample notice to prospective developers and neighboring property owners of the allowed uses, and the restrictions that applied to the uses. He said the MPA also believed the NPZ might prematurely and unnecessarily raise issues under the State’s newly enacted Proposition 207.

Mr. Gaanderse said the MPA’s preference was that the Council not politicize basic and routine development activity by providing for spot regulation through enacted or special protection zones in response to each issue that may arise in the City. He said such issues might be better handled either in the adopted *Area Plan* or in special development regulations or standards in the *Land Use Code*. If there was a delay, the MPA offered its assistance to bring new ideas forward.

Mac Hudson, Menlo Park Neighborhood, said he thought intelligent infill developers did not see neighborhoods as enemies. Instead, they knew neighborhoods were part of the cost of doing business. He said active, involved neighborhoods that participated in comprehensive planning found out what was desired and not desired in the neighborhoods. This provided an environment beneficial to calming the political tensions between developers and neighborhoods.

Mr. Hudson said he thought the ordinance being considered directed staff to move forward with the comprehensive planning. The ordinance had the effect of letting staff know they wanted to look at the City's *General Plan*, which supported stable neighborhoods, and encouraged a vital urban core. Supporting the ordinance sent a message to staff in favor of appropriate development, and he encouraged examining how the ordinance could assist the Council's desired placement of student housing.

Mr. Hudson stated the Menlo Park Neighborhood had over fifteen acres of vacant land, and spent over a year developing a position statement now included in an RFQ process for developers. The ordinance encouraged infill and downtown revitalization through proper planning.

Frank Soltys, Vice President of Sam Hughes Neighborhood Association, questioned the value placed on quality of life. He said the County Assessor placed a great value on quality of life, and the Sam Hughes Neighborhood paid a premium for it. The neighborhood association worked to protect the neighborhood and quality of life, and they wanted an opportunity to continue to live with a strong quality of life that could support their neighborhood.

Mr. Soltys said it was unfortunate that someone could exploit the neighborhood's proximity to the University of Arizona by erecting multi-family housing on property zoned for a single-family residence. The neighborhood association supported approval of the ordinance to help protect their values and sustain their neighborhood close to the University.

Gary Hunter said the Council's approval of the NPZ would demonstrate their support of the owner-residents who invested their time, money and labor into their homes and neighborhoods. The developers and real estate brokers claimed the NPZ would lower property values, but Mr. Hunter said mini-dorms would lower property values with an influx of renters and an exodus of owner-residents. He asked what proportion of owner-residents should decide whether a neighborhood would be protected. He also asked if fifty percent was sufficient, and compared it to being elected to the Council. He proposed the situation of not being able to be elected without a minimum of fifty percent of the City's residents' votes. Mr. Hunter said Council Members were elected by winning approximately twenty-five percent of the population's vote; similarly, if twenty-five percent of owner-residents asked for protection of their neighborhood, it should be protected.

Kathleen Skinner, representing Tucson Metropolitan Chamber of Commerce, said she provided a letter to the Council, and wanted to comment on the proposal before them. She thanked the Council for initiating another stakeholder process to further evaluate the proposal and ensure there was more agreement in moving forward. She said she thought a lot of benefits resulted from the extended process, including the elimination of the consent petition provision until that could be flushed out further, and the consideration of flexible design options and development incentives.

Ms. Skinner said they were very pleased with how staff carried out the stakeholder process; should it be decided to extend the process, the Chamber would be pleased to participate. She said it was made clear the Council had some authority and tools to assist neighborhoods and help facilitate development. Ms. Skinner said, since there were still things to flush out, including qualifications for the conditions for minimum area, the age of the construction, and concerns relating to Proposition 207, they would appreciate the opportunity to continue working with the stakeholders.

Tracy Williams, of the Neighborhood Infill Coalition, said most of the discussion regarding the Neighborhood Preservation Ordinance was centered around the Jefferson Park Neighborhood, but she wanted to focus on the Feldman's Neighborhood, which was located southwest of Jefferson Park. She said it was a federal historic district, characterized by an eclectic mix of craftsman, bungalow, mission revival, and ranch architecture.

Ms. Williams said achieving federal historic status for a neighborhood required hundreds of volunteer hours and cost thousands of dollars. She said this incentive-based program provided a substantial reduction in property taxes; in exchange, the owner agreed to occupy the property and maintain its historic character. She displayed images of the historic homes in Feldman's Neighborhood, which demonstrated what could result from the hard work, investment, and commitment of neighborhood stakeholders. She said Tucson had a number of neighborhoods like this, that reflected the rich culture and history of the community, but that was being threatened.

Ms. Williams said a handful of developers decided, without public input, to remake the historic neighborhoods in the image they deemed fit for the community. She displayed other images of Feldman's Neighborhood, which she said illustrated how the front yards and porches and sense of community were replaced by garages and cement and inhabited by a transient population. Ms. Williams said the value the neighbors created through their efforts had been exploited, and in time this would cost the neighborhood its historic status, because too few historic properties would remain.

Ms. Williams explained when the opponents of the NPZ advocated for an incentive-based ordinance, they hoped it would not be noticed what could happen to a neighborhood when only incentives stood between inappropriate development and neighbors. When opponents criticized the NPZ as undemocratic, they were hoping it would not be noticed how a handful of developers were changing the character of the neighborhoods, without a single public hearing. When opponents of the NPZ expressed

outrage over what they claimed was a lack of transparency in the process, they were hoping no one would notice the many closed-door meetings they regularly attended with high-level City officials.

Ms. Williams said it was time to recognize the enormous value neighborhood stakeholders contributed to the community; it was time to restore balance to the development process by leveling the playing field between developers and neighborhood stakeholders. The NPZ was a valuable land-use planning tool because it acknowledged the contributions of all parties, and would ensure a more democratic and sustainable outcome. She urged the support of the NPZ.

Eric Button said he lived in the Jefferson Park Neighborhood, and his children attended Jefferson Park Elementary School. He said the new draft of the proposed amendment was made available that morning, which did not allow much time for review. He said his interpretation was that the new draft did not require resident approval, but was subject only to one or two developers, which may be worse than only one or two neighbors.

Mr. Button said he was disturbed by attempts to rush the process, and wondered if there was something being hidden that they did not want people to read. He urged the Council to table their vote on the issue, and give people a chance to look at the changes in the new draft.

Karolyn Kendrick, of Feldman's Neighborhood, said she wanted to thank the Infill Coalition for their work. She said, as mentioned earlier, Feldman's was a federal historic district, with 1920's bungalows. Traditionally, they were a mixed neighborhood of families, students, renters, and many others. She said many who lived there were drawn to the neighborhood by its history, and had invested in their homes and the neighborhood. They restored and invigorated a low-income neighborhood.

Ms. Kendrick said it was unfortunate that some property owners were demolishing historic homes and increasing lot coverage to build high-density mini-dorms. She said mini-dorms were not in character with the neighborhood, and led to increases in reckless traffic, endangerment to families, noise, litter, pollution, abandoned animals and other public nuisances regulated under Proposition 207. Ms. Kendrick said it was well-known that boarding houses and multiplexes decreased the value of a neighborhood. She said the lack of enforcement of existing zoning regulations, and appointments to the Board of Adjustment that granted developers the variances in setbacks, parking, buffering and other factors, took value from other properties. She said neighborhoods were about much more than property values; they lived there because they wanted to live in a diverse, mixed neighborhood, but the mini dorms were overweighting it to transients and destroying the fabric of a neighborhood, as well as property values.

Ms. Kendrick said the NPZ offered a fighting chance to preserve a vital neighborhood. She also said Proposition 207 needed to be tested, but it did not promise anyone a profit; it sought to preserve property values, which boarding houses did not do. She urged the Council to support legislation like the NPZ.

Richard Studwell said he was encouraged that morning to see movement in the draft of the NPZ, but there were still obstacles to make it workable. There were many opportunities in the previous weeks to bring new people and ideas to the table. They found some common ground and creative suggestions that he thought could lead to an ordinance they all would embrace, and that would help the community. He asked the Council to give the process enough time to come up with a good ordinance.

Michael Toney said it looked like there was a suggestion for a petition of twenty-five percent to start the neighborhood protection zone. He said if that was true, he thought it was a very agreeable way to proceed. He said he thought the late availability of material was an honest attempt to get the information out in as complete a form as possible, as soon as possible. He said he was concerned about how the Development Services Department had been operating, and how the *Land Use Code* was being attacked. He said the *Land Use Code* was not perfect, but it and the *General Plan* had provisions that were helpful to people. He also voiced concern about Conditions, Covenants, and Restrictions (CC&Rs) being utilized as taking care of an element, because they did not carry the force of law, so people were being placed in untenable situations when relying on CC&Rs to address certain issues. Mr. Toney encouraged bringing the issue back at a later date, and incorporating some of the suggestions made that evening. He said he thought it was important to allow the neighborhoods the process to proceed expediently to protect themselves from builders that were not respectful of the residents by pursuing the highest density possible. He said when residential space started to overtake natural open space, there was a density issue that needed to be addressed. Mr. Toney referred to the Council's authority to rezone or deny requests to rezone property; he said they did not need to look at higher zoning when a developer claimed not enough money could be made.

Beverly Rutter said she read some developers who were building mini-dorms claimed a neighborhood protection ordinance would reduce their property values. She said she thought that was not logical. She offered a hypothetical situation where someone paid one hundred, ninety-thousand dollars for a property in Jefferson Park, and they hoped to see a large profit by over-building the lot and hoping the property would then be worth four hundred thousand dollars. Ms. Rutter said if there was a neighborhood protection zone and they could not build the mini-dorm, the feeling was that they lost money. She said they had not actually lost money; the property would still be worth one hundred, ninety-thousand dollars. Ms. Rutter urged the Council to continue to study the issue, as it was obviously volatile and many had strong feelings. She said they appreciated the Council's consideration of giving neighborhoods protection needed for their families. Ms. Rutter said large mini-dorms made money for someone who did not, and never would, live in the neighborhood.

Robin Shambach, representing the Southern Arizona Chapter of the American Institute of Architects (AIA), said she appreciated many of the comments made by neighbors. She said the AIA participated, through representation on their organization, in some of the stakeholder meetings, and they understood and sympathized with the issues raised that evening and in the stakeholder meetings. However they had concerns with the way the ordinance was currently written, and supported continuation of the item so there could be further discussion.

Ms. Shambach said some of their concerns included the percentage of property owners required for approval, and they would like it to be more consistent with existing provisions in the *Land Use Code*, such as that for the historic preservation zones. She said they also were concerned that compatible development was narrowly defined, and there was no provision for review by design professionals. This did not necessarily allow for creative solutions, though possibly satisfying neighborhood concerns and property-owners' interests. She said it appeared the ordinance attempted to address issues of gross density and market need, neighborhood by neighborhood. The AIA suggested a more comprehensive approach to land use reform, as they were involved in a national process partially funded by City and County grants for Sustainable Design Assistance Team, a national team of professionals looking at land planning issues in a more comprehensive manner. She said they offered the services of their volunteer members to continue the discussion and find a more comprehensive and compatible resolution.

Rick Bright said he was an architect, and wanted to thank those who worked on the ordinance. He was in favor of the concept of an overlay zone, in concept; he was concerned because the likelihood of success was diminished without support from stakeholders. He thought there were some good things in the ordinance, as well as items of concern. There were things that would need to be adjusted, and requested the item be continued to work things out to gain the support of the stakeholders.

Anne Mehochko, representing the Tucson Association of Realtors (TAR), said they appreciated the public hearing being extended to allow more time for stakeholders to meet and discuss their concerns and get answers to their questions. She said the minutes from the stakeholder meetings indicated many questions and concerns were raised, and much input was offered for ways to all groups to come together and find common ground. She said she thought they made a lot of progress in the last month, however many issues remained unresolved. Passing the ordinance at that time seemed likely to put the City in a position that would lead to a lot of unintended consequences.

Ms. Mehochko said TAR requested the Council not take action at that time, but allow more time for all stakeholders to work together on the ordinance and address a lot of the pending issues, such as the minimum area of a NPZ, the age of construction and whether it could affect new development, the question of mini-dorms, and the issues raised by Proposition 207. She said it was suggested the City try a pilot program, with a few of the neighborhoods near the University of Arizona. If that was the approach the City took, TAR asked the Council not to adopt the ordinance, but to handle it as a pilot

program without adopting language that would affect the entire City. She said if an ordinance was needed in order to proceed with a pilot program, it was requested a sunset clause be included, so the issues and any problems raised during the pilot could be addressed in the final ordinance that would affect the entire City.

Diana Lett, representing Feldman's Neighborhood Association, said she appreciated the presentation given by the Neighborhood Infill Coalition, because it beautifully illustrated the problem of the mini-dorm. She said Mr. Studwell had stated in print that there was no difference between the mini-dorm and the existing housing in neighborhoods around the University of Arizona. She said that was demonstrably false. What Feldman's Neighborhood experienced was that, compared to surrounding existing homes, the mini-dorms constructed by well-known local developer Michael Goodman had smaller setbacks, two stories instead of one, they occupied a higher percentage of the lot, and had more bedrooms.

Ms. Lett said the mini-dorms had many negative impacts upon the neighborhood. They brought an increased volume and speed of vehicular traffic, along with disregard for stop signs and other traffic control devices. She said there was a problem with highly congested on-street parking because adequate parking was not provided on the mini-dorm property. Parking issues included blockage of private driveways and obstruction of access for garbage collection. She said two-story homes built close to property lines contributed to a loss of privacy, and there was also a noise issue.

Ms. Lett said the Neighborhood Association welcomed the NPZ as a way to address the concerns she mentioned. She said all the existing designations conferred no protection on the neighborhood, including being listed as a federal historic district and included in the *University Area Plan*. Ms. Lett said they twice attempted, and failed, to become a historic preservation zone. She said the failure was due to seventy-seven percent of the property in the neighborhood was not owner-occupied, but was rental property, and the property owners were difficult to contact.

Ms. Lett said the historic preservation zone was said to be a model for the NPZ, but the Neighborhood Association disagreed. It was very difficult for a neighborhood with a high percentage of rental property to meet the requirement that fifty-one to sixty-five percent of the property owners approve of the ordinance. Instead, they supported the twenty-five percent petition element of the NPZ, which was removed from the ordinance, be reinstated because it was a more democratic process. In contrast, the requirement of signatures from fifty-one to sixty-five percent of the property owners was unattainable for a University-area neighborhood, and it permitted the rights of those who lived in the neighborhood to be overruled by those who did not live there.

Diana Hadley, representing the Menlo Park Neighborhood Association, and the Santa Cruz River Alliance, said she was a historian and long-time Tucson resident. She said she was painfully aware of how much history had been lost. Historic and culturally significant neighborhoods were impacted and historic landscapes were lost, including that of the Santa Cruz River, which was the reason for the city's unique history of four

thousand years as an agricultural community. She said the current efforts to recreate lost history through the Rio Nuevo project were resulting in significant impacts on the surrounding neighborhoods and the historic, cultural and natural landscapes.

Ms. Hadley said the NPZ was essential to the continued cooperation and support from the surrounding neighborhoods, and for the preservation and revitalization of historic landscapes and saving open spaces. She suggested that implementing the NPZ sixty years earlier may have prevented spending fifty-three million dollars to recreate Tucson's birthplace.

Jon Spalding said he lived two blocks south of Broadway Boulevard and one block west of Highland Avenue. He said if Highland Avenue was allowed to go through the University of Arizona, it would equally bisect the University. The subdivision he lived in was University Heights, and his Neighborhood Association was also very concerned about the issue. He wished to offer specific examples, instead of generalities.

Mr. Spalding said the house next door to him was owned for many years by a woman who added an apartment so she could take care of her mother. They lived there until both passed away. The caretaker of the estate ended up with the home, which he sold to a developer. The developer removed the apartment, erected a wall, and converted it into a five-bedroom house with a new pool on a lot that was forty-eight feet by one hundred feet. Mr. Spalding said three young college students and the associated guests and parties were there for one year. They moved out, and a couple with nine children moved in. Shortly after, a "for sale" sign was placed on the lot. He said several neighbors wondered how they could purchase the property to prevent further exploitation of it. Next to that house was a student working on her doctorate. She graduated and moved away, and rented the house to her college friends. Across the street from that house lived a man who gave his house to his son when the son graduated and went to college. The son now had a "red tag" on his window. Mr. Spalding said, even if the sound was kept low, it was obvious there had been a party, because plastic cups and trash were everywhere, and the guests had cars with features that flashed the lights and honked the horns.

Mr. Spalding said the house next to him could be sold to a developer; the one owned by the graduate who was renting to her friends would be sold once prices went up, and she did not care because she did not live there; and the student whose father gave him the house across the street would move out once he was done with school. Mr. Spalding said those who were asking the Council not to make any decisions yet, were developers and those in favor of the mini-dorms. He said it reminded him of his training with ROTC to take the enemy by way of "delay, divide and obfuscate". He said they needed action now. The neighborhood had mostly homeowners, and few rentals, but it was liable to be ruined.



J. Lisa Jones said she lived in her house since 1978, which was almost thirty years. She said she was in favor of the NPZ Ordinance because she thought the brakes needed to be put on. She experienced the Jefferson Park neighborhood becoming a University slum, which was not good for anyone, including the University. She said her goddaughter almost moved there last year, but did not. She said parents wanted to know their children were living in safe neighborhoods. The deterioration was not good for the University, realtors, neighbors or students.

Ms. Jones said she spent many years as a renter, as a student, and as a homeowner. She said she was not opposed to landlords, students, or renters; she was opposed to people who were irresponsible and inconsiderate, who did outrageous things in neighborhoods to destroy them. She said one of the things she heard was some real hostility. She added that she also was a landlord for three years, having rented to students. When she interviewed tenants, she told them she did not care what they did, as long as they did not disturb the neighborhood. She asked them to pick up trash, and let her know if the house needed repairs. She said she wanted them to know they lived in a community and to tell her if anything was wrong. She said she had some fantastic student renters. She did have to repaint and make minor repairs, but her tenants did not trash the neighborhood. She thought some of that was due to her conversation with them. She said she did not understand landlords of mini-dorms who did not appear to have any communication or contractual responsibility with their students regarding the treatment of the buildings or neighborhoods they lived in.

Ms. Jones said there were times when she could not put a single bag in the trash bin in her alley. She said the students who lived across the alley from her did not recycle. They did not break up boxes, and placed beer cans and bottles in the trash. She said the house on Hampton and Park that used to be a family house now had a couch and bags of trash in front. She said it was absolutely inexcusable. She said the neighborhoods should not be part of a monopoly game, with the winners being those with the most money. She said those with modest or low incomes were the losers in the game. The City of Tucson was ultimately a loser, because it mattered that the University had a good, upstanding community surrounding it. She said she knew Proposition 207 was a threat, and if the ordinance was passed, it might become a court case. She alluded to the cowardly lion who found his courage, and asked the Council to find their courage and do the right thing by neighborhoods, and by the City of Tucson. She asked them to pass the ordinance in a meticulous, careful manner, because it mattered; they did not want the city they loved to deteriorate.

Alice Roe said she lived at her current address within the Blenman-Elm neighborhood for thirty-one and a half years. She said she was president of the neighborhood association but was not speaking as their representative. She said she supported the NPZ legislation because she supported the right of a homeowner to a stable neighborhood.

Ms. Roe also added that one size did not fit all in the *Land Use Code*. She said some of the lots in the R-1 area had fifty-foot frontages and it was difficult to have a two-story house with sixteen-foot side yard setbacks. She said she thought they needed some flexibility built in for the older neighborhoods, as long as they could keep to the general mass and scale of the neighbors.

Ms. Roe said Blenman-Elm had a Neighborhood Plan approved in 1986, which stood as a guideline for the development and redevelopment in the area. However, the design guidelines only were implemented when there was a rezoning. Most homeowners did not need a rezoning to redo their houses. She said there were a couple of rezonings, where the architects met with the neighbors. They all had the Neighborhood Plan that defined what they wanted from each other: architectural details that referenced the neighbors, and scale and mass to match the neighboring development at the edges. She said she did not believe meeting with the neighbors slowed down the projects. She said some were delayed, but for other reasons and circumstances. Ms. Roe said she would love to have the kind of architectural design guidelines as were included in their neighborhood plan, especially the nebulous concept of mass and scale, for any redevelopment in the neighborhood. She said this was something the NPZ could help with.

Richard Murdick said he lived in an “A” Mountain community. He said he moved in approximately ten years ago. There were several vacant lots on his street, zoned R-1. Two rental houses were built, one behind the other, with a shared driveway, which was allowed. What bothered him was that three years ago, they bought the liens so that when property taxes were not paid for a certain number of years, then ownership of the property was transferred. He said they were taking advantage of someone else’s misfortunes. In the case he mentioned, a duplex was built on a lot zoned R-1. He said they were allowed to have a house and a guesthouse. But there were two separate addresses, with separate utilities; it was not a guesthouse. He said it ended up being owned by the City as a Section 8 house. Mr. Murdick said he felt problems were being funneled into his neighborhood. He said he also thought it was not built right, because there was a wash running in front of it, and a culvert was put in, but it was not sufficient to handle the flow; it was silting up and turning into a waterfall. He said a petition was started, and he spoke to his Council Member, which was frustrating for both. The lot was split for the duplex, and the other lot was vacant. He said he offered to buy the vacant lot, but the price was too high.

Mayor Walkup thanked everyone for their input; and before closing the public hearing, he said he wanted to call on Council Member Uhlich for discussion.

Council Member Uhlich thanked everyone in attendance for participating. She said she knew there were many others who contacted the Council offices to weigh in on the issue. She also thanked staff; and said she knew they worked hard and prepared a powerpoint presentation that she would like to see posted online or made available in another way. She said the presentation contained good information, which would give everyone a clear snapshot of the current status.

Council Member Uhlich said she would offer a motion she thought would help them to continue moving forward and making progress. She asked that her motion not be interpreted as any indication of a lack of resolve regarding the issue. She believed the NPZ was an important tool for the Council that would help address very serious documented concerns in neighborhoods threatening the health, safety and quality of life of many people and property values in the neighborhoods. At the same time, they needed to be fair and prudent, and make sure they did this well, because there was a lot at stake for the community. In some ways, she said, taking action that night would feel great in some respects, but she did not want to be premature and find later that they acted too quickly, because in the long term, they might lose ground.

Council Member Uhlich suggested they continue the dialogue. She expressed confidence that her colleagues would be relieved at the end of it all, and maybe everyone would be equally upset with them. However, they were striving for fairness and wanted to make sure they were doing the right thing for the neighborhoods. She said, as they worked with the University to address some of the issues raised, and as they also pursued more comprehensive work on the *Land Use Code*, these things would surely continue. She believed this tool would be an important and valuable one, in order to protect the neighborhoods.

It was moved by Council Member Uhlich, duly seconded, to direct staff to develop a pilot Neighborhood Preservation Zone (NPZ) in the University of Arizona environs, which was the area immediately surrounding the University, as discussed and described in the Mayor and Council Communication, as well as in study session on April 17, 2007; that staff report to Mayor and Council on the status and bring that pilot to the Mayor and Council in ninety days, which would be on the July 2007 study session. She said she was not sure whether to call it a pilot or a test NPZ, but it would be the first actual overlay zone. Her motion also included that they continue the consideration of Ordinance No. 10395, and bring staff bring the ordinance to study session in July, so that they would be able to take action at the regular meeting in August. Council Member Uhlich added that in the work on the ordinance, it was important that the City work with stakeholders, and address items of consideration including items related to Proposition 207. There were specific things she had discussed with staff, and she said the other details could be worked out in conversation.

Council Member Uhlich also noted that Proposition 207 provided exceptions for regulations that protected the health and safety, and promoted health and sanitation, and addressed transportation and traffic control, and solid and hazardous waste and pollution control and eliminated public nuisances. She said the NPZ tool could help them to protect their neighborhoods in ways that were perfectly appropriate and in keeping with Proposition 207. She knew that was a key goal to fashion the ordinance appropriately, in a balanced manner and in a way that would help them all move together constructively, as they shaped positive infill in the urban core.

Council Member Leal said there some very good speakers, and he thought it crystallized around what Ms. Roe said, regarding the right to have a stable neighborhood. He said they were shaping what it felt like to live at home, and not much mattered more than that, other than what their children felt. He said the issue came not out of ether, but out of real issues that evolved over time, that were real pressing and problematic. He said he thought Council Member Uhlich captured it when she mentioned the issues of safety and nuisance, regarding Proposition 207. He said they had a responsibility to shape a community that was livable and sustainable. Many of the speakers shared stories of things that made their neighborhoods not livable and not sustainable, and that created nuisances. He said they were trying to respond to those issues.

Council Member Leal said he thought the pilot concept was really prudent; they were trying to enter new ground, and there was much to be anticipated from conversation and imagination, but some things would be overlooked. The pilot period would let those things surface, so there would be an opportunity to further refine it so it would work better for everyone. He did not think they should sit still and wait to do it until they thought they were ready, because they were still in their imaginations. In reality, they needed to let reality speak to them, which the pilot would allow. He said one of the speakers referred to those individuals, who had gone through a process or had obtained a permit, and he said that was something that needed to be addressed during the ninety-day pilot period; he thought those were some legitimate concerns.

Council Member Leal hoped everyone continued to participate during the ninety-day pilot, because their involvement was necessary for it to be better than it currently was. He said he wanted to thank everyone, who participated, because he knew it was difficult; there was a lot at stake for everyone, and it was new ground. He thought it was to Tucson's credit that they had the courage and imagination not to shrink back, but to step forward into that new ground with each other, even though the unknown made people fearful. He said hopefully, instead of making people fearful, it would bring out the best in them, both in their imaginations and in their goodwill to make the community a better place. Those were his concerns, which he believed would be taken into consideration as they moved forward.

Council Member Trasoff said she agreed with her colleagues, and wanted to applaud Council Member Uhlich for her leadership. She said they wanted to do this right, because they did not want it to turn back on them and turn out to be a setback. They needed to keep focused on the health safety and traffic concerns, and that was what they were aiming for. It was not as though they were fashioning it to fit the law. She said she thought they were right in their approach.

Council Member Trasoff said she had some questions for staff. She said the photos that were shown astounded her, and she asked if on property zoned R-1, was there a limit to the number of bedrooms and/or kitchens, and/or the bedroom-to-bathroom ratio allowed.

Albert Elias, Urban Planning and Design Director, said the *Land Use Code* regulated building setbacks, lot coverage, building height, parking requirements, and those sorts of things in R-1 zones. He said it did not, *per se*, limit the number of bedrooms.

Council Member Trasoff said the *Land Use Code* did cover lot coverage, setbacks and parking, and she asked how neighbors were excluded from the process to be able to voice their opposition.

Mr. Elias said he thought the fundamental issue was that many of the older homes found in the aging neighborhoods were built at an intensity substantially less than the maximum permitted by the zoning. If someone did build to the maximum, which they could do by right, it simply did not fit in with the older style development.

Council Member Trasoff referred to the case with the photos, and asked if it could be that the R-1 zoning in the area allowed for that level of coverage, and it happened simply because it was allowed.

Mr. Elias said staff would have to research the individual cases, but yes, in some instances, some of the newer development they saw did comply with the existing regulations.

Council Member Trasoff said in the preceding weeks, she spoke with several developers she would not name, because what they said in private was that there were a few guys doing that stuff which made it hard on the rest of them. She said as long as there were some who were willing to use, to the fullest extent, every inch of the law that was allowed, she did not see what other choice they had. She asked staff to understand that the Council's action that night was a clear direction to them that, if there were variances, or possibilities for protections, it was the Council's intent, should the motion pass, that they wanted the neighborhoods protected in the interim, during the ninety-day pilot period, to the fullest extent legally possible.

Vice Mayor Scott said she would support the motion because it was reasonable and it served the public that had been abused. She asked staff to return with a justification as to why they needed an ordinance. She said it was her understanding that they could simply have an overlay zone, and that would serve the concerned neighbors immediately. Why they were working with an ordinance was beyond her comprehension, since they could have an answer now, and have it in place very quickly, while all the rest was interesting conversation. She said she thought it served the people very well to serve immediately or as quickly as government could. She wanted to know the justification for working out the verbiage of an ordinance that might not be necessary.

Council Member West said she thought Jim Clark was right when he said the public did not understand all the ramifications when they voted for Proposition 207. She said that frequently happened and was a part of democracy. She said there were several things she thought staff should be concentrating on in addition to the ordinance. She

thought Council Member Leal pointed out one of the most important things, as far as she was concerned. She thought they needed to hire at least two additional planners to work on updating the Neighborhood Plans, and if there were neighborhoods without Plans, those should be the priority. She said that absolutely must be a part of the budget. Secondly, she asked that the Mayor and the City Manager talk to University of Arizona President Robert Shelton about increasing University housing. She knew they had a parsimonious legislature to work with, but she thought they would not be having that conversation if it was not for the fact that there was insufficient student housing. If there was land downtown that could be used for that, she thought that should happen. In addition, she told the City Manager she thought there was someone waiting to begin revising the *Land Use Code*.

Mike Hein, City Manager, replied there had been discussions.

Council Member West said those discussions should be brought into the daylight because it was time for a comprehensive revision of the *Land Use Code*. She said, from listening to those who spoke that night, several things that should be at the top of the list were: setbacks, buffers, landscape, design standards, lot coverage, height, and incentives for flexibility so houses were not designed that did not fit the rest of the neighborhood. She thanked the public for attending, as they chose to be there instead of doing other things they probably preferred.

Council Member Ibarra said he had some concerns. He wanted to make sure they all understood what they were voting on. No one had talked about what the pilot meant. He asked if the ordinance and public hearing were being continued. He said those questions needed to be answered, because if not, he did not want to give anyone false expectation when they left for the night. He said that would be a huge disservice on their part. He asked staff to define a pilot program, and explain what it would entail, and how it was different from what they were already doing.

Mr. Elias said he understood the direction was to pursue a pilot Neighborhood Preservation Zone application in the University environs area, and to make it generally consistent with the issues that were raised regarding concerns about incompatible land use.

Council Member Ibarra said that was very general and was worrisome. He asked what was different in what was being done with the direction provided in the motion, compared to what could be done without the motion. Council Member Ibarra asked if there was anything new being brought to the table.

Mr. Elias said the Council had authority to direct staff and to approve an overlay zone based on whatever direction they chose. The consideration of the ordinance was to try to be more specific about the development of a neighborhood preservation zone; it had a purpose statement, applicability standards, and details about the process for establishing an ordinance. He said, to be clear, the Council could choose to pursue and adopt an overlay zone based on whatever factors they cared to add to it.

Council Member Ibarra said he thought that was where the confusion was. He said the Council could already do something. He said Vice Mayor Scott mentioned the Council had the ability to move, and he agreed; they had the ability to move with an overlay zone. He said if it was about a rezoning, those would be voted on by the Council. He was frustrated that they were setting up a situation that might be giving false hope to people who spent a lot of time and energy. He wanted to make sure they were all realistic about it. His frustration was that they could do that at that moment, but they were not doing so. They were going to proceed with a pilot program that was very general, with no real details that could actually say, at the end of ninety days, “X, Y and Z” would be accomplished. Council Member Ibarra said it really did not have any parameters on it to the extent that both sides desired. He said, at the same time, the ordinance had not been decided on. He said he was confused; he had hoped to have more details. He was reluctant to vote for it, not because of the issue, but because there was a lot of confusion that had not been cleared up. He asked Council Member Uhlich if the ordinance was being continued indefinitely, along with the public hearing.

Council Member Uhlich said her motion set forth several courses of action immediately. The first was to prepare their very first overlay zone for adoption in ninety days. Staff indicated they needed ninety days to prepare that zone; and it would affect the University environs as discussed during study session. The second thing was that she believed they should adopt an ordinance related to NPZs. She said, currently, the Mayor and Council had State authority to adopt overlay zones, and they already adopted particular procedures and purpose statements for ten types of overlay zones: environmental resource zones, hillside protection zones, downtown zones, etc. She thought the ordinance was critical for precisely the reasons raised by Council Member Ibarra; they needed to offer clarity to property owners about what it would and would not do. They needed to offer clarity to neighborhoods so they did not burn another minute of their time on a process that would lead them nowhere. She thought the ordinance offered clarity, transparency, and the kind of information the Council would need in the future if, and when, additional overlay zones would be warranted.

Council Member Ibarra asked if the ordinance was what was being voted on that night.

Council Member Uhlich clarified that the ordinance would be voted on in ninety days. She said staff indicated to her, as had stakeholders from many different corners of the community, that while they had a draft, there was still work to be done. She said Council Member Ibarra’s question about the public hearing was a fair one, and suggested the public hearing be kept open until the August date, so as staff brought back the ordinance, which she expected to be in final form, it would be ready for voting on during the regular meeting.

Council Member Ibarra clarified that Council Member Uhlich’s motion was to continue the public hearing, continuing the ordinance, and establishing a pilot program for the area around the University of Arizona, which was really an overlay zone, which was already on the books as far as what the Council could already do.

Council Member Uhlich said the Council did have the authority, but did not have a prescribed overlay zone for the University area.

Council Member Ibarra confirmed that the only thing new that was being added was the University area. They already had the authority for an overlay zone, so the only thing was that they were putting a name to it, saying the University area, and defining boundaries, but that was pretty much it.

Council Member Uhlich said it was also to address the concerns raised during study session and by stakeholders in the series of meetings. She said they were actually moving to do a rezoning related to the area that was under discussion.

Mayor Walkup said he thought the motion was good-spirited; it addressed exactly the issues that were being raised. He said he heard some things that were extraordinarily interesting: that the stakeholders were moving closer together and really wanted to address the issues. He said a lot of people around the University said the mini-dorms had driven them nuts, and Mayor Walkup said something should be done about that. He said what he thought was within striking distance of the Council was being able to specifically address that in the ninety-day period, for an overlay that would allow for that, given the appropriate language. The language needed to include a way to incentives infill projects that would get the right kind of development in and around the University area. He offered the perspective of the opportunity do so something reasonable by not building mini-dorms.

Mayor Walkup confirmed Council Member West's comment that the University had not been heard from. He wanted to ensure the stakeholders included the University during the ninety-day pilot, and they begin to hear the University asking what the policy was for off-campus residency. Mayor Walkup said he was unable to articulate what it was, but he could say they talked to the University, which was beginning to consider this as a great opportunity. There were openings downtown that provided the kind of energy and interest they would like to see in that area. He said that could be an incentive, and suggested it was a supply-and-demand issue. If they could figure out what the long-term growth of the University was, and what their needs for residents were, both on-campus and off-campus, maybe they could draft a development plan that would accommodate the potential future needs. Mayor Walkup said he thought the motion was consistent with getting everyone at the table and coming up with something specific, and engaging some stakeholders who had not been heard from.

Council Member Leal said he wanted to expand on some things Council Member Uhlich mentioned. He thought one of the worst criticisms that could be made of government was that government acted in a capricious and arbitrary way. He said they did have the authority to proceed with an overlay zone, separate from and irrespective of whether there was an ordinance, but that would leave them in a position of making determinations on a case-by-case basis, and being accused of placating or pandering to various special interests in a given location. He said if there was an ordinance, it would provide a framework for decision-making, which he thought added integrity to the system



over time, so they were not accused of being capricious and arbitrary. He thought that was why the two phases to the motion were not contradictory, even though they seemed to be. He said they needed the immediacy of action right away, for the area, given the pressure they were under; but they needed the prudence of an ordinance as they proceeded to implement an overlay zone in the larger community. Council Member Leal said it made sense for that and other reasons.

Vice Mayor Scott encouraged more people attend the sessions that dealt with the issue. According to the attendance sheets for the four meetings that were held, a total of thirty-three people showed up to offer their input, which she thought did not reflect the intensity of what she saw in the audience before her. She hoped the meetings would be held at a time and location available to most people, if that was an issue. Vice Mayor Scott said Council Member Leal's comments about the ordinance needing to be in place applied to those densely populated areas; they needed protection. She asked about the effect on the vast areas in the city that were not densely populated, and said that should be considered when reviewing a prospective ordinance. She said densely populated areas needed protection, as did the open spaces that were yet to be developed. She said that needed to be accommodated for in any ordinance that may result. Vice Mayor Scott reiterated her request that meetings be scheduled at times and places which were publicly convenient, and that the public attend those meetings.

Council Member West said she was ready to vote on the motion.

Council Member Uhlich said she wanted to make sure it was clear that a benefit of the NPZ was that it only applied to the area that had been studied, where documentation was gathered, and where the protections were appropriate. She said the NPZ specifically took into account Vice Mayor Scott's concern; it was not city-wide. She said the enabling legislation was city-wide, but if the Council did not adopt an overlay zone on the east side, there would not be one on that side of the city, but they could still move to protect the imperiled neighborhoods.

Kathleen S. Detrick, City Clerk, said she wanted to make sure the dates were understood correctly. She said the motion was for the issue to return at the study session in July, which was originally scheduled for July 3, 2007, but might be rescheduled for the following week due to the Fourth of July holiday; and to continue the public hearing to the August 7, 2007 meeting to be held at approximately 5:30 p.m. on the first floor of City Hall, 255 West Alameda, Tucson, Arizona.

Mayor Walkup asked for a voice vote on the motion. The motion passed by a voice vote of 7 to 0.

RECESS 8:14 p.m.

RECONVENE 8:29 p.m.

The meeting was called to order by Mayor Walkup and upon roll call, those present and absent were:

Present:

|                  |                                   |
|------------------|-----------------------------------|
| José J. Ibarra   | Council Member Ward 1             |
| Carol W. West    | Council Member Ward 2             |
| Karin Uhlich     | Council Member Ward 3             |
| Shirley C. Scott | Vice Mayor, Council Member Ward 4 |
| Steve Leal       | Council Member Ward 5             |
| Nina J. Trasoff  | Council Member Ward 6             |
| Robert E. Walkup | Mayor                             |

Absent/Excused:

None

**8. PUBLIC HEARING: AMENDING THE NEIGHBORHOOD PRESERVATION ORDINANCE**

Mayor Walkup announced City Manager's communication number 235, dated April 24, 2007, would be received into and made a part of the record. He also announced this was the time and place legally advertised for a public hearing on a proposed amendment to the Neighborhood Preservation Zone Ordinance. The public hearing was scheduled to last no more than one hour, and speakers would be limited to five-minute presentations. He called on the first speaker.

Robert Reus said, despite what the Tucson Weekly said, graffiti was vandalism, mean-spirited, and psychologically depressing to all who were trying to build a better, more attractive city. When he moved into his house, he decided to try to reverse decades of neglect on the landscaping, and bought cactus to try to fix it up. However, people were stealing the cactus, and he gave up, to the chagrin of his neighbors.

Mr. Reus said he was the victim of graffiti. The first time, he was in the midst of applying stucco to the wall, so he simply applied another layer over the graffiti. The second time, he ignored it for a number of months because the City allowed graffiti to remain for fifteen months on the sign to the pumping facility substation behind his house. Mr. Reus said he had the perspective that if the City would not take care of its own problems, it had no right to demand that he do so. He said someone sandblasted the graffiti off, which he appreciated.

Mr. Reus said graffiti was a growing problem in the community, and it needed to be dealt with firmly. It was a problem experienced in other communities, as well. He said another town was very diligent about immediately cleaning up graffiti in the downtown area. He suggested tougher laws and hefty fines for violators, starting at one thousand dollars for the first offense, for which community service could be an option, by

spending one hundred hours cleaning up graffiti. Mr. Reus suggested, for the second offense, a message needed to be sent to let the offenders know that defacing the community would result in hefty, five thousand-dollar fines. Coddling the offenders was not working, nor did placing the responsibility on the entire community. It was time to get tough and take care of the problem. They needed a police task force to roam the city and catch the offenders. He said there were too many people working too hard to clean up, take care of, and maintain the city to watch it all go down the drain because of a few hundred vandals.

Mayor Walkup asked if anyone else wished to address the Council at that time regarding the subject.

There was no one.

It was moved by Council Member Trasoff, duly seconded, and carried by a voice vote of 7 to 0, to close the public hearing.

Mayor Walkup asked the City Clerk to read Ordinance 10393 by number and title only.

Ordinance No. 10393 relating to Neighborhood Preservation; amending Chapter 16 of the Tucson Code, the "Neighborhood Preservation Ordinance"; amending Article I, Section 16-3, Definitions; amending Article IV, Section 16-30, Unlawful Acts, for the purpose of regulating sales of glass etching solution within the City of Tucson; and declaring an emergency.

Council Member Ibarra offered Council Member Uhlich the opportunity to make the motion on the idea she brought forward.

It was moved by Council Member Uhlich, duly seconded, to pass and adopt Ordinance 10393.

Council Member Trasoff said, as the item was getting publicized, she hoped staff would renew their efforts regarding the selling of spray paint, and double-checking with retailers on their sales practices.

Mayor Walkup asked if there was any further discussion. Hearing none, he asked for a roll call vote.

Upon roll call, the results were:

Aye: Council Members Ibarra, West, Uhlich, Leal, and Trasoff;  
Vice Mayor Scott and Mayor Walkup

Nay: None

Ordinance 10393 was declared passed and adopted by a roll call vote of 7 to 0.

9. **PUBLIC HEARING: *MAJOR STREETS AND ROUTES PLAN* AMENDMENT – LOS REALES ROAD, KENYON DRIVE, SARNOFF DRIVE, WINGATE DRIVE AND LIMBERLOST DRIVE**

Mayor Walkup announced City Manager's communication number 232, dated April 24, 2007, would be received into and made a part of the record. He also announced this was the time and place legally advertised for a public hearing on proposed amendments to the *Major Streets and Routes Plan*. The public hearing was scheduled to last no more than one hour, and speakers would be limited to five-minute presentations. He called on the first speaker.

Sharon Hooven said she did not know what it meant to remove Wingate Boulevard as a collection street, but she wanted to address some concerns regarding Wingate Boulevard. She was sure the Council was aware that construction continued in the area, and Wingate Boulevard would certainly open as a thoroughfare between Camino Seco and Irvington. She said, when that happened, she suspected traffic through that area would increase, likely by three times or more.

Ms. Hooven said she had three concerns. One was that the roadway at the intersection of Escalante and Camino Seco had deteriorated from rain drainage across the street, and it constantly needed patching. She said she could only assume that tripling the traffic through the area would increase the amount of patching that would be required. Her second concern was the absence of a bicycle lane along the area, so when travelling along Escalante to Wingate Boulevard, it was a dangerous curve for bicyclists. She said there was also a culvert where youth would ride their skateboards and bicycles, which was not appropriate, but still happened. She said it was dangerous and would like to see a bicycle lane in the area. Her third concern was regarding the speed of traffic. She said, even though the posted speed for the curve was twenty-five miles per hour, traffic did not travel that speed. It was very dangerous, and to open the street as a thoroughfare would only increase the traffic and the speed of the traffic.

Donna Hankins said she lived within the Wingate Community, which was located in Ward 4. She represented the Board of Directors for the Wingate Community, as well as the eight hundred forty-seven homeowners in the area. She said they were very concerned about the speed of traffic on the road, and that it would be opening up. The residents of the community were concerned that the proposed amendment would shut out the Community Association from continuing to work with the City on speed mitigation for the roadway. She said they understood it would be a thoroughfare. However, after working with the builders of the additional homes being constructed, and after working with Vice Mayor Scott's office, they did not understand why the amendment was proposed, which would virtually shut them out of working with the City on the speed mitigation they felt was needed in the area.

Ms. Hankins said she did not doubt the City planners looked at the statistics for the roadway, but she could tell them, as a homeowner, whose home backed up to that street; twenty-five miles per hour was really fifty miles per hour, and the road came to a dead end at some point. There were a lot of squealing tires throughout the night, which was not included in the statistics they looked at. A lot of people drove off the roadway at that location; her home was directly on a blind curve on Wingate Boulevard, and a car drove through her back wall. She said if her daughter was two hours later, she probably would not be with her. It was a concern of all the residents. They had walkways and there were people who frequented the walkway along Wingate Boulevard, some of whom took their children on bicycles. It was so dangerous, she thought most of the residents were afraid to walk there, let alone drive there. She said, because they were working with KB Homes and the Council Office, they wished the amendment would not be adopted, so they could continue to be sure to get valid speed mitigation on the roadway. She said it was important because when the road continued to Irvington, it would be even more dangerous.

Joe Pulitz said a neighborhood association traffic committee was formed the previous July, at the behest of Vice Mayor Scott. It was the Broadway Pantano East Neighborhood Association. Since July, they conducted traffic mitigation studies and traffic counts in the Broadway Pantano East area. In November, they submitted an Executive Committee recommendation to the Neighborhood Association for the removal of Kenyon and Sarnoff from the *Major Streets and Routes Plan*. He said they appeared before the Planning Commission, which forwarded the recommendation to Mayor and Council. He said they would like to see Sarnoff and Kenyon removed from the *Plan*, so they could reduce the number of lanes to two, instead of four, and reduce the speed limit to twenty-five miles per hour. Sarnoff did not continue north of Broadway, or south of Twenty-Second Street; Kenyon ended almost at Pantano, and was two lanes on the other side of Camino Seco. Mr. Pulitz said including the two streets in the *Major Streets and Routes Plan* did not make any sense to him.

Mayor Walkup asked if there were any other speakers. There were none.

It was moved by Vice Mayor Scott, duly seconded, and carried by a voice vote of 7 to 0, to close the public hearing.

Mayor Walkup asked the City Clerk to read Ordinance 10392 by number and title only.

Ordinance No. 10392 relating to planning and zoning; updating and amending the *Major Streets and Routes (MS&R) Plan* map by extending the alignment of Los Reales Road as a designated arterial from Craycroft Road to Wilmot Road, with a right-of-way width of 90 feet; removal of Kenyon Drive, Sarnoff Drive, Wingate Drive, Limberlost Drive between Oracle Road and First Avenue as designated collectors; and setting an effective date.

Council Member West said she was confused. She said she made the recommendation based on her understanding from staff that funding would not be taken away from the collector streets. What she wanted to do was amend the recommendation that Kenyon and Sarnoff remain in the current designation of collector status, with Kenyon and Sarnoff Drives being re-striped to three-lane roadways when funding was available, and to direct the City Attorney to return in thirty days with an ordinance change, allowing the reduction of the speed limit to twenty-five miles per hour on those roadways, and the rest of the ordinance would go forward as planned, because of the recommendation from the Planning Commission.

Mr. Pulitzer said that was the recommendation of the Planning Commission, which he was agreeable to, as long as they could reduce the speed limit.

Council Member West asked the City Attorney if they could reduce the speed limit to twenty-five miles per hour on Sarnoff and Kenyon.

Mike Rankin, City Attorney, said the speed limits could be reduced by way of adopting a subsequent ordinance. As part of the motion, direction would be given to return with such an ordinance to do that.

It was moved by Council Member West, duly seconded, to amend staff's recommendation so that Kenyon and Sarnoff would remain in their current designation of "collector" status, and that Kenyon and Sarnoff Drives be re-striped to a three lane roadway when funding was available, and to direct the City Attorney to come back in thirty days with an ordinance change allowing the reduction of the speed limit to twenty-five miles per hour on these roadways, and to pass and adopt Ordinance No. 10392.

Vice Mayor Scott said some comments were made regarding the Wingate portion of the amendment, and she had an urgent public hearing notice from the Wingate Community Association. The notice said adoption of the ordinance would stop any efforts by Wingate and surrounding communities to have input regarding traffic control, and the mitigation of speed and noise. She asked staff to address the notice and other issues mentioned by those in attendance.

Albert Elias, Urban Planning and Design Director, said there seemed to be some misinformation. He said the issue before them regarding Wingate was changing its designation in the *Major Streets and Routes Plan* from a collector street to a local street. That did not affect the ability of residents of the area to work with the Department of Transportation on traffic concerns such as were mentioned. He clarified that the present right-of-way width for Wingate was not proposed to change, nor was the proposed cross section, which was the two-lane street with parking on both sides. None of right-of-ways would change if the Council choose to change the status from a collector to a local. He assured the neighborhoods that City staff from Transportation would continue to assist them with regard to traffic mitigation work.

Vice Mayor Scott said she hoped all the questions had been answered. She stated Wingate was designated to be downgraded to a neighborhood street, it would not be upgraded to something more fierce. It was currently designated as a drive through with high speed. It was being lowered in what it was designed to do, be a residential street. She said unless she saw some concern, she thought the Council would be doing exactly what the neighborhoods wanted.

Council Member Uhlich said she wanted to make sure that no resources would be diminished and no planning effort along Limberlost Drive would be impacted by this action.

Mr. Elias stated this would not happen.

Council Member West complimented Mr. Pultiz and his traffic management committee. She said they were one of the best committees she has worked with. She also thanked Mr. Pultiz for the wonderful experience and for all they had done.

Vice Mayor Scott thanked the neighborhood association members who came to the meeting with regard to Wingate.

Mayor Walkup asked if there was any further discussion. Hearing none, he asked for a roll call vote.

Upon roll call, the results were:

Aye: Council Members Ibarra, West, Uhlich, Leal, and Trasoff;  
Vice Mayor Scott and Mayor Walkup

Nay: None

Ordinance 10392, with the amendment that Kenyon and Sarnoff remain in their current designation of “collector” status, and that Kenyon and Sarnoff Drives be re-stripped to a three lane roadway when funding was available, and to direct the City Attorney to come back in thirty days with an ordinance change allowing the reduction of the speed limit to twenty-five miles per hour on these roadways, was declared passed and adopted by a roll call vote of 7 to 0.

**10. PUBLIC HEARING: *ALVERNON-BROADWAY AREA PLAN* AMENDMENT – PA-07-03; QUEBEDEAUX, SPEEDWAY/HOLLY – COMMERCIAL**

Mayor Walkup announced City Manager’s communication number 231, dated April 24, 2007, would be received into and made a part of the record. He also announced this was the time and place legally advertised for a public hearing on a proposed amendment to the *Alvernon-Broadway Area Plan*. The public hearing was scheduled to last no more than one hour, and speakers would be limited to five-minute presentations. He asked if anyone wished to address the Council on this item.

Jennifer Peterson submitted a letter on behalf of her mother, Gay Riba, who wanted it read into the record.

“Dear Mayor and Council Members: I own the property located at 3410-3412 E. 1<sup>st</sup> Street at the west end cul-de-sac of E. 1<sup>st</sup> Street opposite the east end cul-de-sac and the proposed rezoning area. This area is now zoned R-3, high density residential. I apologize for coming into this issue late. I live in a different part of the city, a member of a different Neighborhood Association, and did not know about this until Nina Trasoff notified me. The Miramonte Neighborhood Association and President Ruth Beeker have worked for some time with Quebedeaux and Agents on the plans, changes and compromises. I understand that Ms. Beeker has worked tirelessly on this project for the benefit of the homeowners, and I want to thank her. I also want to thank Michael Marks, AICP for Quebedeaux for being accessible and delivering all of the proposed information and plans to me.”

“I have no objection to the proposed parking lot at the east end of E. 1<sup>st</sup> being rezoned ‘P’. Quebedeaux’s promises of a noise abatement wall, dense landscaping, parking for employees only, and proper signage directing traffic away from Holly and E. 1<sup>st</sup> are favorable compromises. In fact, according to the proposed plan, I think it will be an improvement over what exists there now. I thank both the homeowners and Quebedeaux for coming up with a good plan for both parties.”

“What I feel uncomfortable about is rezoning the area north of the parking lot to commercial C-2 to accommodate a very large service/repair building. By allowing this change, we have no guarantee that noise from pneumatic tools, etc., related to service and repair, will not impact our neighborhood. If the zoning becomes commercial, and Quebedeaux decides to move or sell out, the promises made will disappear without deed restrictions. In fact, I recently learned that upon completion of their plans, Quebedeaux plans to lease this proposed newly zoned property to another dealer. In fact, in years to come, what guarantees does the neighborhood have as to who and what kind of business Quebedeaux might sell in the future if the C-2 zoning is approved.”

“Another major concern of changing residential to commercial zoning is once homeowners have given up a portion of their neighborhood to commercial C-2 zoning, then it becomes much easier for business to infiltrate deeper into neighborhoods with requests in the future for additional commercial zoning. Property owners are again put in a position of going through the very lengthy, time consuming, and upsetting process of trying to protect their property and way of life.”



“While observing the attached drawing, and the proposed repair/service building, it appears as if this building could be moved forward to the north onto existing commercial property, thereby, not requiring a change to our residential zoning. The new car spaces taken up by the building could then be parked in the parking lot, as this change would allow additional room for parking these cars and still be separate from the employee parking. There would still be ample room for displaying their brightest and best cars in front along Speedway. I have been told this would not be acceptable because a road is planned in this area north of the parking lot. A west exit from the building is already in the plan. But since the building would be farther north, the noise from this west exit would hopefully not be as great. Then maybe the road could be moved a little bit further north. Not only would this not require a change to our residential zoning but would also save the very old and beautiful eucalyptus tree, which the neighborhood has asked Quebedeaux to save. All other agreed upon entrances, exits and setbacks would remain the same. The only zoning change required would then be “P” for the proposed parking.”

“Mayor Walkup and Council Members, there needs to be a change in notification to property owners regarding any requests for rezoning or proposed changes to their neighborhoods. Notices need to be sent to the entire neighborhood not just homes or property 300 feet from the proposed change. Property owners are not notified or left out of the discussions/meetings until the last minute, when the proposed change is already a ‘done deal’.”

Jennifer Peterson said she wanted to read her mother’s letter really quick, because she was the second speaker. She proceeded to read her own personal statement, which she said included possible solutions to her mother’s objections to the C-2 zoning. 1) They had no objection to the parking lot zoning along First and Holly, as long as recommended conditions were incorporated in the zoning, such as noise abatement, landscaping, road placement, etc. 2) Maybe Quebedeaux could move the buildings forward just a short distance. 3) She knew of properties that had use permits currently in operation that transferred with the properties as long as the use was still being applied. She asked if the city could issue a use permit for this particular use to Quebedeaux and it could be transferred to the next owner. As long as this particular use with all the recommended conditions was the only one the new owner could utilize, it would still give Quebedeaux the added value of the property with the one C-2 use and the parking rezoning. A lot of the properties were from several years ago, but the use permits were still being recognized as an acceptable practice.

Ms. Peterson said there was always a loophole that could be utilized with the best and brightest in the zoning on the job. The concern they had was that C-2 zoning opens the door to all other businesses that are not compatible with neighborhoods such as manufacturing and bars. Even with the recommended conditions for this particular design of business, if Quebedeaux sells and the design of business changes, all other C-2 uses could be allowed. It would also open up the possibility to other property owners on the street to request their property to be rezoned C-2, as the Council would already have set a precedence to allow the change. The neighborhood property values would decrease because they would be residential in a manufacturing and commercial zone.

Ms. Peterson urged the Council to think of the future consequences of their actions. She applauded Quebedeaux as a business that demonstrated concern and support for the Tucson community.

Ruth Beeker, representing the Miramonte Neighborhood Association Board, said when they saw the applicant and the neighborhood representative sitting together that gave them a strong idea of the position that would be taken. She said as the Council could see in the paperwork, they put in an enormous amount of time in working out a compromise that would be in the best interest of everyone. The Neighborhood Association Board still had some concerns about the sighting and the size of the service center. Their concerns about having a good buffer between the residential area and the rezoned area had been answered and she was confident the restrictions had been put in place for Holly to remain a neighborhood street, which was important.

Ms. Beeker said what she wanted to talk about was how to get to that good place. She said she believed there were lessons to be learned when a neighborhood and an applicant for a redevelopment are able to come to agreement. She gave four characteristics. The first was early communication. She stated the general manager of Quebedeaux started talking to her about the issue in the summer of 2005. She said that was so important. When they do not get notified until the city says the notifications have to come out, then they are working under a very short time period and everybody gets stressful about it. She said the reason they could not get people talking earlier was really important. There had been only one breakdown of communication, and that was a problem with the City. She stated the City had chosen to sell the north end of Palo Verde Street to Quebedeaux. The street would be closed, and there was absolutely no public process. They were never notified. The people who live on Palo Verde, who would now have a closed street, were never notified. Ms. Beeker felt that was totally wrong, and did know why that happened; but she expected the Council to do something about it.

Secondly, Ms. Beeker said there was equality in their process. They got equality when they have someone in the neighborhood who knows enough about the *Land Use Code*, and who knows how to access the system so that there is an even playing field. She said they did have an even playing field. They were really able to talk issues with the applicant, because she understood. It made her fearful for neighborhoods who did not have that skill.

Ms. Beeker said an ombudsman was needed, and maybe there were people with the city who served that role; but a neighborhood who did not have a Ruth Beeker there who understood the issues, needed to have that kind of expertise available to them.

Ms. Beeker stated that third was shared, accurate knowledge base. Mike Marks, representing Quebedeaux, and she met with City staff present, because early on she realized she was talking to some city staff and getting one story. Mr. Marks would tell her he spoke with someone else and got a different story. She suggested to Mr. Marks that they always sit down together. Ms. Beeker said she found city staff extremely accommodating in doing this with them, and it was enormously helpful. There was never any question about who said what; they both knew exactly what was going to be allowed by the city and how the city was interpreting it.

Ms. Beeker said the fourth characteristic was mutual respect and sharing of values. She could not say how many times Quebedeaux told her in the last two years that they really wanted to be good neighbors. They indeed shared values. They shared values at the neighborhood level, in that they as a neighborhood association knew they needed to have a vibrant commercial border on Speedway. They were looking forward to the rezoning and getting this through the process as quickly as possible and having something that was an eyesore in the neighborhood become an asset.

Mike Marks, MGM Consulting, representing Quebedeaux, believed they had a very successful process and they worked very diligently with the Miramonte Neighborhood Association. They were very happy with the outcome. It had been a lot of give and take, and there had been a lot of meetings. He thanked Ms. Beeker for her efforts and energy. He thanked Council Member Trasoff for the use of Laura Burge from her staff. Ms. Burge had been very helpful in facilitating meetings. They were thankful to staff for their support, and to the Commission for their unanimous support of this request. Mr. Marks said they knew this was the first step; this was a plan amendment, and the next step would be the rezoning. They would not be developing tomorrow, they needed to continue to working together and communicating, and work out the particulars. He expected there would be a number of additional meetings with the full neighborhood, as well as Ms. Riba and her daughter, to address all the issues that come up.

Mayor Walkup asked if anyone else wished to address the issue. Hearing no one, he asked for a motion to close the public hearing.

It was moved by Vice Mayor Scott, duly seconded, and carried by a voice vote of 7 to 0, to close the public hearing.

Council Member Trasoff echoed what Ms. Beeker and Mr. Marks said, stating this had been a model of people working together. She said she was sorry that Ms. Riba did not get the information early enough to participate in the process, but hoped that from here forward they would be able to be a part of the process.

Council Member Trasoff said she knew that the noise issue was one of the issues that came up early on and asked Ms. Beeker if she felt confident the noise issue had been addressed sufficiently, and that the neighbors would be protected from this issue.

Ms. Beeker said that would be one of the items they would be talking about when they talk about the sighting of the service building, to ensure that whatever was noisy would be as far away for the neighborhood as it could be. They would also be having additional negotiations to make sure this would be addressed properly.

Council Member Trasoff stated that, hopefully, bay doors would only open in one direction and not back on the neighborhoods.

Ms. Beeker said she and Mr. Marks were not in agreement on what the direction of the neighborhood was.

Council Member Trasoff said hopefully they were on track with keeping that in mind. She asked Ms. Beeker how Palo Verde was closed and sold that the neighbors were not involved in that process.

Ms. Beeker said that happened in the summer of 2005, and she assumed that the neighborhood would be part of the process. After they saw a presentation Quebedeaux gave, they responded as a board in a form of a letter to focus on the concerns they wanted to have addressed. She said they never heard of the issue again until October 2006, when Quebedeaux came forth with the redevelopment plan and it was on a plan that it had closed. She asked Quebedeaux when that had happened and said that it was over and completed with no public process.

Council Member Trasoff stated that at some time she would like some information on how that happened, so that in it would not happen again in the future.

Mike Rankin, City Attorney, said that the honest answer at this time was that he did not know how this could have happened.

Council Member Trasoff said she knew that Quebedeaux was a good neighbor and a good part of this community for years. The concern she shared with Ms. Riba was that if Quebedeaux moved on in the future and it is sold, they would be sure to build in protections for the neighborhood in the process. So that if this moves on to another owner, then the neighborhood does not have to rely on the good reputation of a long standing business in the community and they would be legally protected.

Mr. Marks assured Council Member Trasoff that Quebedeaux would strive to find a solution to assure the neighbors that in the event there was a sale to another party, there would be some alternative use put to the property, specifically about the property up for the plan amendment and the future rezoning. They knew that any change of use would have to go back to the Mayor and Council.

Mr. Marks said they could make it more stringent. They could explore the possibility of deed restrictions, but there were elements of the preliminary development plan that would be part of the future rezoning approvals such as no access on 1<sup>st</sup> and Holly south of that driveway; the wall along that entire frontage; and the “P” zone which would not allow any structure that would go a long way toward satisfying that concern. Mr. Marks said they would explore further efforts and would make sure satisfaction was reached.

It was moved by Council Member Trasoff, duly seconded, to pass and adopt Resolution No. 20645.

Mayor Walkup asked the City Clerk to read Resolution 20645 by number and title only.

Resolution No. 20645 relating to planning and zoning; amending the *Alvernon-Broadway Area Plan*; and declaring an emergency.

Council Member Leal said he wanted to expand on the noise issue, stating they were lucky to have good participants all the way around on this issue. He said there was going to be a need for paying attention to the hours of operation, and it was imperative that they address the noise issue.

Mayor Walkup asked if there was any further discussion. Hearing none, he asked for a roll call vote.

Upon roll call, the results were:

Aye: Council Members Ibarra, West, Uhlich, Leal, and Trasoff;  
Vice Mayor Scott and Mayor Walkup

Nay: None

Resolution 20645 was declared passed and adopted by a roll call vote of 7 to 0.

**11. PUBLIC HEARING: TUCSON CODE – AMENDING (CHAPTER 23) THE LAND USE CODE; ADDING A NEIGHBORHOOD PRESERVATION ZONE OVERLAY AND ORDINANCE ADOPTION (CONTINUED FROM THE MEETING OF MARCH 20, 2007)**

(Note: This item was taken out of order and considered after Item 7.)

**12. ZONING: (C9-07-01) LIPPERT/WHITE – SWAN ROAD, R-2 TO O-1, CITY MANAGER’S REPORT**

Mayor Walkup announced City Manager’s communication number 228, dated April 24, 2007, would be received into and made a part of the record. He also announced this was a request to rezone property located on the northwest corner of Swan Road and Lee Street, and asked if the applicant or a representative was present.

Robin Valenzuela, the Planning Center, said the applicant agreed to the recommendations outlined in the staff report. For the record, she said there was an existing condition that specified no vehicular or pedestrian access on to Lee Street. She said their client had agreed to go further, after discussing the issue with neighbors, that they were also agreeable to a no access easement on the subdivision plat along Lee Street, to be in place before the ordinance adoption.

Council Member Trasoff thanked the applicant for granting that, stating it was sort of like overkill, but it gave the neighbors the assurance that they were going to be protected, and she appreciated that. Council Member Trasoff stated there was one other issue that was raised with this, and she thanked Council Member West for raising the issue. The Commission on Disability Issues (CODI) had brought up in the past that there were enough handicap parking spaces in place as required, but they were not necessarily close to the businesses where the people wished to access. She noted it was her understanding they would be selling individual suites to possibly different medical groups. It was her understanding was that allowances were being made that if there were any medical offices there, there would be handicap parking immediately in front of those offices.

Ms. Valenzuela said that was correct. They were anticipating approximately fifty-percent of the offices to be for medical uses and they were agreeable to that condition. Ms. Valenzuela said her client, Fred Steininger from Venture West would like to speak on that.

Fred Steiniger, Venture West, said he thought everything was in order and he had not planned to speak. He said the question on handicap parking was timely, because they were working on that very matter on another similar project, and the offices were medical and non-medical, mixed use. They had met all of the requirement for handicap parking, but they found there were some buildings that had handicap parking very close to their front doors, and others they had to go a little further. He said it was all accessible; and all met ADA code as he knew it.

Mr. Steiniger said when they design the parking lot and locate the handicap parking, they do not know at that time who would be purchasing the space, and what the use would be. Historically, they had about fifty percent medical and fifty-percent non-medical customers, clients who purchased the buildings. He could not specifically say there would always be handicap parking immediately in front of a medical building. Even if they knew that, the buildings could be sold in the future and the uses would

change. He said they would meet ADA code by having the amount of parking needed and the accessibility to every front door from the various spaces. Beyond that, he said they did not know how to fine tune it.

Council Member Trasoff asked staff if there was something the Council could do that would give them the flexibility, since they did not know what building was going to be used for what.

Ernie Duarte, Development Services Director, said as Mr. Steiniger pointed out, they have learned from other similar type projects, mixed use, general business office, and medical uses, and they added an express condition to this rezoning case that said for any medical office use, there would be a disabled parking space immediately adjacent to those medical facilities. He said Mr. Steiniger accurately captured the need of a handicap parking space in front of a medical office.

Fred Steiniger said he needed clarification. He asked Mr. Duarte if they would be required to have handicap parking in front of every building that had medical use, even though they did not know what the offices were going to be used for at that time.

Mr. Duarte said yes, it was what condition number twelve said.

Mr. Steiniger replied that if that was the condition that would likely be approved at the meeting, they would find some way to make that happen. However, it would present a planning problem for them. He appreciated the fact that the condition was clarified for them.

Council Member Trasoff told Mr. Steiniger that it was important for her as well. She appreciated that it would create a separate weight on them.

Mr. Steiniger said the reason it would create a problem for them was because the dimensions of the handicap parking and the ramps associated with them were different in size from the conventional handicap spaces, so they were not interchangeable.

Council Member Trasoff said she understood this was a difficulty. However, having worked with CODI and heard the difficulty that the handicap members of the community faced when the letter of the law is met, but they still cannot get to the building they need to get to, made this condition imperative. She said she appreciated Mr. Steiniger's flexibility.

It was moved by Council Member Trasoff, duly seconded, and carried by a voice vote of 7 to 0, to authorize the request for rezoning as recommended by the zoning examiner.

**13. ZONING: (C9-06-17) WASHINGTON FEDERAL SAVINGS – BROADWAY BOULEVARD, R-3 TO C-1, ORDINANCE ADOPTION**

Mayor Walkup announced City Manager's communication number 236, dated April 24, 2007, would be received into and made a part of the record. He asked the City Clerk to read Ordinance 10394 by number and title only.

Ordinance No. 10394 relating to zoning: amending zoning district boundaries in the area located at the southeast corner of Broadway Boulevard and Niven Avenue in Case C9-06-17, Washington Federal Savings-Broadway Boulevard, R-3 to C-1, and setting an effective date.

It was moved by Council Member Trasoff, duly seconded, to pass and adopt Ordinance 10394.

Mayor Walkup asked if there was any further discussion. Hearing none, he asked for a roll call vote.

Upon roll call, the results were:

Aye: Council Members Ibarra, West, Uhlich, Leal, and Trasoff;  
Vice Mayor Scott and Mayor Walkup

Nay: None

Ordinance 10394 was declared passed and adopted by a roll call vote of 7 to 0.

**14. APPOINTMENTS TO BOARDS, COMMITTEES AND COMMISSIONS**

Mayor Walkup announced City Manager's communication number 224, dated April 24, 2007, would be received into and made a part of the record. He asked for a motion to approve the appointment in the report.

It was moved by Council Member Trasoff, duly seconded, to appoint Katherine Galgiani to the Environmental Services Advisory Committee.

Mayor Walkup asked for a roll call vote.

Upon roll call, the results were:

Aye: Council Members Ibarra, West, Uhlich, Leal, and Trasoff;  
Vice Mayor Scott and Mayor Walkup

Nay: None

The motion to approve Katherine Gagliani to the Environmental Services Advisory Committee was passed by a roll call vote of 7 to 0.



**15. ADJOURNMENT (9:20 p.m.)**

Mayor Walkup announced the Mayor and Council would stand adjourned until its next regularly scheduled meeting to be held on Tuesday, May 1, 2007, at 5:30 p.m. in the Mayor and Council Chambers, City Hall, 255 West Alameda, Tucson, Arizona.

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MAYOR

ATTEST:

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CITY CLERK

**CERTIFICATE OF AUTHENTICITY**

I, the undersigned, have read the foregoing transcript of the meeting of the Mayor and Council of the City of Tucson, Arizona, held on the 24th day of April 2007, and do hereby certify that it is an accurate transcription.

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DEPUTY CITY CLERK

KSD:sl:bt